

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Aurelia D. Daley,

4924 Signature Drive, Apt. 202
Myrtle Beach, South Carolina 29579.

File Number 2001-106678

**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2000), by the State of South Carolina Department of Insurance upon Aurelia D. Daley by both certified mail, return receipt requested, and by regular mail on March 12 2001.

That letter informed Daley of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. That letter further warned that failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Despite that warning, Daley has failed to respond to the Department's letter. On May 4, 2001, therefore, counsel for the Department filed an Affidavit of Default, and the entire matter was submitted directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a South Carolina resident insurance agent, Daley was convicted by the South Carolina Circuit Court of General Sessions, Georgetown County, of felony "Breach of Trust with Fraudulent Intent over \$5,000" in The State of South Carolina v. Aurelia D. Daley (Criminal) Docket Number 00-GS-22-1032.

S.C. Code Ann. § 38-43-130 (Supp. 2000) provides: "The director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent has been convicted of a crime of moral involving moral turpitude...." The crime of Breach of Trust with Fraudulent Intent has been determined to be one of moral turpitude. In re Derrick, 301 S.C. 367, 392 S.E.2d 180 (1990).

In accordance with my findings of fact, and considering Daley's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Daley was convicted of a crime of moral turpitude, and that her resident insurance agent license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial

officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2000).

It is therefore ordered that Aurelia D. Daley's license to transact business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license, issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Daley is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order takes effect upon the date of my signature below.

A handwritten signature in dark ink, appearing to read "E. N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

4 May 2001, at
Columbia, South Carolina

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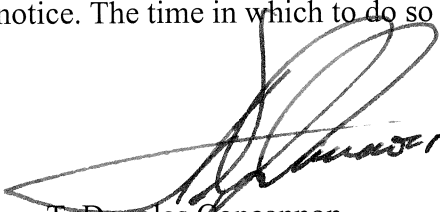
SCDOI File Number 2001-106678

Affidavit of Default

Personally appeared before me T. Douglas Concannon, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was an attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

The Department served notice on Aurelia D. Daley at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke her license to act as a resident insurance agent within the State of South Carolina in ten days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2000), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified Daley of her opportunity, within ten days, to request in writing a public hearing.

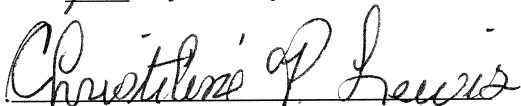
The United States Postal Service effected service of the notice by certified mail, return receipt requested, and by regular mail, on or about March 12, 2001. Daley has made no request for a public hearing or any other response to the notice. The time in which to do so has expired. She is now in default.



T. Douglas Concannon
Associate General Counsel

South Carolina Department of Insurance
Post Office Box 100105
Columbia, South Carolina 29202-3105
(803) 737-6132

Sworn to and subscribed before me
this 4th day of May 2001.



Christiline P. Lewis
Notary Public for the State of South Carolina
My Commission Expires November 20, 2006